

REMARKS/ARGUMENTS

Claims 1-38 are pending in this application. By this Amendment, claims 24, 31 and 33 are amended for clarification purposes only, in response to the Examiner's comments. No new matter is added. Thus, it is respectfully submitted that the amendments to claims 24, 31 and 33 do not raise new issues. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

I. Allowable Subject Matter

It is noted that claim 38 is not rejected over art. It is therefore assumed, for purposes of this reply, that claim 38 defines patentable subject matter.

II. Informalities

The Office Action objects to claim 33 due to an informality. It is respectfully submitted that the amendment to claim 33 is responsive to the Examiner's comments, and thus the objection should be withdrawn.

III. Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 24 and 31 under 35 U.S.C. §112, second paragraph, as allegedly indefinite. The rejection is respectfully traversed.

More specifically, the Office Action asserts that the recitation of the shaft extending continuously in a longitudinal direction of the filter case is unclear, and that the specification does provide a meaning for continuously, thus rendering claims 24 and 31 indefinite. Applicant respectfully disagrees. Webster's Online Dictionary defines continuous as "marked by uninterrupted extension in space, time or sequence." The Examiner's attention is drawn to paragraphs 58-59 and Figures 4-5 of the present application, which clearly set forth that the shaft 52 extends continuously in a longitudinal direction of the filter case 30 from the cap 51 to the plate 53, without interruption. Applicant maintains that claims 24 and 31, and particularly the use of the word continuously in this context, would be well understood, especially when taken in light of the drawings and specification by one of ordinary skill in the art. However, merely to expedite prosecution of the application, Applicant has amended claims 24 and 31 in response to the Examiner's comments. It is respectfully submitted that claims 24 and 31 meet the requirements of 35 U.S.C. §112, second paragraph, and thus the rejection should be withdrawn.

IV. Rejection Under 35 U.S.C. §102(b)

The Office Action rejects claims 1, 5-15, 18-35 and 37 under 35 U.S.C. §102(b) over U.S. Patent No. 6,167,733 to Lee. The rejection is respectfully traversed.

Independent claim 1 is directed to a filter assembly for a washing machine, comprising, *inter alia*, a filter provided in the filter case, the filter comprising a shaft with a plate disposed at

one end thereof and in opposition to the passage so as to prevent a particle from passing through the passage, wherein the filter is configured to gather particles in a central portion thereof in response to a centrifugal force generated when fluid flows into the filter case through the inlet and generates a circular flow within the body as it whirls towards the passage. Independent claims 15 and 33 recite similar features in varying scope. Lee neither discloses nor suggests at least such features, or the respective claimed combinations of features.

Lee discloses a pump 350 for a washing machine that includes an integral filter 340. The pump 350 includes a rectangular housing 351 which defines a single chamber in which the filter 340 is disposed. The filter includes a mesh plate 346 which extends from a cap 344, the plate including a plurality of holes 346a for allowing water to pass through while trapping particles on the solid parts of the plate 346. Used wash water flows through a first port 348 and directly impinges on the plate 346, where it is filtered prior to being either re-circulated through a second port 354 or drained through a third port 356, depending on a position of a pair of valves 355 and 357 and a rotation direction of an impeller.

MPEP 2111 states:

“[D]uring patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.”

MPEP 2111.01, Section II further states:

“[C]laim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art.”

It appears that the Examiner has drawn a comparison between the portion of the cap 344 disclosed by Lee which connects the cap 344 to the plate 346 and the shaft recited in

independent claims 1, 15 and 33; and between the mesh plate 346 disclosed by Lee and the plate recited in independent claims 1, 15 and 33. It is respectfully submitted that the portion referred to in the Examiner's Response to Arguments as comparable to the recited shaft (the piece connected to the cap 344, between the cap 344 and the plate 346) is not reasonably compared to the recited shaft. Rather, this small portion shown in cross section in Figure 4 of Lee is simply the end portion of the mesh plate 346 which is connected to the cap 344. Otherwise, based on what is shown in Figure 4 of Lee, this alleged "shaft" would have to be connected to one of the holes 346a in the mesh plate 346.

It is understood that the Examiner is to give the claims the broadest reasonable interpretation when examining the claims. However, it is not within the Examiner's discretion to apply an unreasonably broad, contrary interpretation of the disclosure of the applied reference. Thus, it is respectfully submitted that the mesh plate 346, is "a smooth flat thin piece of material" as defined by Webster's online dictionary and as understood by one of ordinary skill in the art. The plate 346 functions as the portion of the filter 340 which gathers particles thereon, is more appropriately compared to the recited shaft, and the portion of the mesh plate 346 which extends upward from the end of the plate 340 opposite the cap 344 (see Figure 4 of Lee) is more appropriately compared to the recited plate. Applicant maintains the position that there is no shaft interposed between the cap 344 and the plate 346.

It is noted that Webster's online dictionary defines a shaft as "something suggestive of the shaft of a spear or arrow especially in long slender cylindrical form." Lee clearly discloses that the filter 340 is a flat plate 346, and not a shaft, as recited in independent claims 1 and 15.

However, even if one were to consider the flat plate 346 disclosed by Lee comparable to the recited shaft, Lee neither discloses nor suggests a plate disposed at one end of the shaft and in opposition to a passage formed in the case, as recited in independent claim 1, nor a plate provided at the end of the shaft and positioned facing the opening in a partition wall which prevents particles from passing through the opening, as recited in independent claim 15, nor a plate disposed in opposition to a passage formed in the case, as recited in independent claim 33. Rather, the portion of the mesh plate 346 that extends upward extends in a direction which is substantially parallel, and thus not in opposition to, the flow entering the case 351 and the passage formed thereby, as recited in independent claims 1 and 33. Further, it is respectfully submitted that Lee neither discloses nor suggests any type of partition wall which partitions the space into first and second chambers, and thus necessarily neither discloses nor suggests that any portion of the filter 340 is disposed facing an opening in such a partition wall, as recited in independent claim 15.

Further, Lee clearly discloses that the flat plate 346 must be directly aligned with the first port 348 so that the used wash water is directly impinged onto the plate 346 for filtration, thus clearly requiring a substantially linear flow of the wash water in order for Lee's device to function properly and effectively. Lee neither discloses nor suggests any type of centrifugal force which generates a circular flow within the body as it whirls towards the passage, as recited in independent claims 1, 15 and 33. Rather, the case 351 is substantially rectangular in cross section, as shown, for example, in Figure 2 of Lee, and thus it is respectfully submitted that the recited centrifugal force and rectangular flow could not be generated in such a rectangular case

351.

Additionally, Lee discloses a single chamber formed within the case 351, and not first and second chambers defined by a partition wall, with a passage formed therebetween, as recited in independent claim 15.

For at least these reasons, it is respectfully submitted that independent claims 1, 15 and 33 are not anticipated by Lee, and thus the rejection of independent claims 1, 15 and 33 under 35 U.S.C. §102(b) over Lee should be withdrawn. Dependent claims 5-14, 18-32, 34, 35 and 37 are allowable at least for the reasons set forth above with respect to independent claims 1, 15 and 33, from which they respectively depend, as well as for their added features.

V. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 2-4, 16, 17 and 36 under 35 U.S.C. §103(a) over Lee. The rejection is respectfully traversed.

Dependent claims 2-4, 16, 17 and 36 are allowable over Lee at least for the reasons set forth above with respect to independent claims 1, 15 and 33, from which they respectively depend, as well as for their added features. Further, it would not have been obvious to modify the integrated filter disclosed by Lee to incorporate the features recited in claims 2-4, 16, 17 and 36. Accordingly, it is respectfully submitted that claims 2-4, 16, 17 and 36 are allowable over Lee, and thus the rejection of claims 2-4, 16, 17 and 36 under 35 U.S.C. §103(a) over Lee should be withdrawn.

VI. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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